

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

GLENN H. GORTON,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-07-1165-F
)	
C/O WILLIAMS,)	
)	
Defendant.)	

Report and Recommendation

The Plaintiff requests a default judgment. Doc. 20. According to the return of service, the Defendant was served on February 13, 2008.¹ Doc. 17.² The Court ordered the filing of an answer or dispositive motion within 60 days of service,³ and the summons stated that the Defendant had 60 days to respond.⁴ Because the Defendant's response is not yet due, the Court should overrule the Plaintiff's request for a default judgment. *See* Doc. 20.

The parties have the right to object to this report and recommendation. *See* 28 U.S.C. § 636(b)(1) (2000); W.D. Okla. LCvR 72.1. Any such objection must be filed with the Court Clerk for the United States District Court. *See Haney v. Addison*, 175 F.3d 1217, 1219-20

¹ The Plaintiff states that the Defendant waived service of summons. Doc. 20. This statement is inaccurate. The return reflecting mailing of the waiver form to the Defendant. Doc. 17. But there is no indication that the waiver form was signed or filed.

² The return states that C/O Williams was served through delivery of process to the warden's executive assistant. Doc. 17. The Court may assume *arguendo* that the service was sufficient.


³ Doc. 10, p. 2 ¶ 3.

⁴ Doc. 17.

(10th Cir. 1999). The deadline for objections is April 1, 2008. *See* W.D. Okla. LCvR 72.1. The failure to timely object to this report and recommendation would waive one's right to appellate review of the suggested ruling. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

This report and recommendation does not terminate the referral.

Entered this 10th day of March, 2008.



Robert E. Bacharach
United States Magistrate Judge